

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF  
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office NOV 21 2003

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_

Map filed NOV 21 2003 under 70656

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The applicant **Dayton Park LLC, a Nevada Limited Liability Company** hereby makes application for permission to change the **Point of Diversion** of water heretofore appropriated under **Permit 68193**

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1. The source of water is **the Carson River**
2. The amount of water to be changed **2.048 cfs, not to exceed 418.70 acre-feet**
3. The water to be used for **Municipal**
4. The water heretofore permitted for **Municipal**
5. The water is to be diverted at the following point **NW¼ SW¼, Section 4, T.16N., R.22E., M.D.B.&M., or at a point from which the W¼ corner of said Section 4 bears N. 38°04'10" W., a distance of 224.43 feet. Segment 7B.**
6. The existing permitted point of diversion is located within **NW¼ SW¼, Section 4, T.16N., R.22E., M.D.B.&M., or at a point from which the SW corner of said Section 4, bears S. 04°02'12" W., a distance of 1553 feet. Segment 7B.**
7. Proposed place of use **See Attachment "A"**
8. Existing place of use **Unchanged**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Infiltration well near the Carson River, pump, motor, meter and municipal distribution system**
12. Estimated cost of works **\$500,000.00**
13. Estimated time required to construct works **Five (5) Years**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) Years**
15. Remarks: **This application is being filed to correct the point of diversion of Permit 68193. The total combined duty of applications to change Permits 63623, 63624, 63625, 68193, 68646 and 68647 shall not exceed 1155.45 acre-feet annually. Refer to maps on file under Permit 62937 for existing & proposed place of use on file under Permit 19901 for existing point of diversion. Refer to map filed under application to change Permit 63623 for proposed Point of Diversion.**

By **Gregory M. Bilyeu**  
s/ **Gregory M. Bilyeu**  
**500 Damonte Ranch Parkway, Suite 1056**  
**Reno, NV 89511**

Compared sg/ cmf ag/ cmf  
Protested \_\_\_\_\_

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of the waters of the Carson River as heretofore granted under Permit 68193, which changed the point of diversion, place of use, and manner of use of a portion of Permit 15222, Certificate 4646, which changed the point of diversion of Claim Nos. 745, 746 and 747, as heretofore granted under the Carson River Final Decree No. 183, in District Court of the United States, in and for the District of Nevada, is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements kept of water placed to beneficial use.

The issuance of this permit abrogates all of Permit 68193 being 418.70 acre-feet as decreed, which is the consumptive use of a portion of Permit 15222, Certificate 4646, which changed the point of diversion of Claim Nos. 745, 746 and 747.

This permit changes the point of diversion of water previously diverted under Claim Nos. 745, 746 and 747 as changed by Permit 68193, from Segment 7a of the Carson River to Segment 7b, thus the priority date of this permit will be the filing date of Permit 68193, being November 13, 2001 and regulated as decreed. In addition, water shall not be pumped from this induction well when the river is being regulated by the Federal Water Master.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer and the Federal Water Master on a quarterly basis within 15 days after the end of each calendar quarter.

The total combined duty of water under Permits 70656, 70657, 70658, 70659, 70660 and 70661 shall not exceed 1,155.45 acre-feet as decreed.

The location and design of the induction well must be approved by the State Engineer prior to the drilling of the induction well.

This office will not sign any subdivision maps using water from these permits until such time that a plan is submitted and approved by this office showing how water from the induction wells will be used conjunctively to provide year round service from available resources.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed as decreed cubic feet per second, but not to exceed 418.70 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

April 15, 2007

Proof of completion of work shall be filed on or before:

May 15, 2007

Water must be placed to beneficial use on or before:

April 15, 2014

Proof of the application of water to beneficial use shall be filed on or before:

May 15, 2014

Map in support of proof of beneficial use shall be filed on or before:

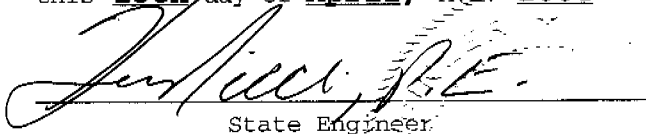
May 15, 2014

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 15th day of April, A.D. 2004

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

AMENDED ATTACHMENT "A"  
APPLICATION 70658

7. Proposed Place of Use

T.16N., R.21E., M.D.B. & M.:

All of Section 1; SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 2; All of Section 11; SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , portion of the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , portion of the W  $\frac{1}{2}$  NE  $\frac{1}{4}$ , portion of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , portion of the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , portion of the E  $\frac{1}{2}$  SE  $\frac{1}{4}$ , Section 12; Portion of the W  $\frac{1}{2}$  NW  $\frac{1}{4}$ , portion of the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , portion of the N  $\frac{1}{2}$  NE  $\frac{1}{4}$ , Section 13; E  $\frac{1}{2}$ , Section 14; SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , E  $\frac{1}{2}$ , Section 23; N  $\frac{1}{2}$  Section 24; Portions of the NW  $\frac{1}{4}$ , Section 26; SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$ , portion of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , portion of the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 27; E  $\frac{1}{2}$  SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 28; NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , N  $\frac{1}{2}$  NE  $\frac{1}{4}$ , Section 33; N  $\frac{1}{2}$  NW  $\frac{1}{4}$ , Section 34.

T.16N., R.22E., M.D.B. & M.:

All of Section 3; N  $\frac{1}{2}$ , N  $\frac{1}{2}$  SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , portion of the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 4; Portion of the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 5; NW  $\frac{1}{4}$ , N  $\frac{1}{2}$  NE  $\frac{1}{4}$ , portion of the S  $\frac{1}{2}$  NE  $\frac{1}{4}$ , portion of the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , portion of the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , portion of the S  $\frac{1}{2}$  SW  $\frac{1}{4}$ , Section 6; W  $\frac{1}{2}$  W  $\frac{1}{2}$ , NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , portion of the NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 9; NW  $\frac{1}{4}$  Section 16; All of Section 17; S  $\frac{1}{2}$  SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , S  $\frac{1}{2}$  NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 18; All of Section 19.

T.17N., R.21E., M.D.B. & M.:

SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 36.

T.17N., R.22E., M.D.B. & M.:

S  $\frac{1}{2}$  N  $\frac{1}{2}$ , S  $\frac{1}{2}$ , Section 31; S  $\frac{1}{2}$  S  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 33; SW  $\frac{1}{4}$ , S  $\frac{1}{2}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , portion of the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , S  $\frac{1}{2}$  SE  $\frac{1}{4}$ , Section 34.

In addition to the above-described place of use, it is the intent of these applications to provide water service to the entire Lyon County/Dayton Utilities service area as determined by the Lyon County Public Works Director. If in the future, some other entity is determined to have that authority, the place of use of this permit shall be pursuant to that authority's determination of the service area.